

# **WESTAMPTON TOWNSHIP**

## **RESIDENT INFORMATION FOR ATTENDING/PARTICIPATING IN A LAND DEVELOPMENT BOARD MEETING**

Welcome to the public hearing of the Westampton Township Land Development Board. The Board is glad you are here and we can all benefit from your attendance and input. This bulletin outlines, in summary fashion, the procedures which the New Jersey Municipal Land Use Law (MLUL) requires the Land Development Board to follow. Land Development Board members, who are appointed by the Mayor, are charged by law with reviewing and determining all types of variances including use "d" variances, dimensional "c" variances, appeals and interpretations. They are also charged by law with reviewing site plans, subdivisions, which include dimensional "c" variances, zoning ordinance amendments, re-examination and/or adoption of the master plan in accordance with the **MLUL N.J.S.A. 40:55D-1 et seq.** You may obtain a copy of the MLUL by contacting the New Jersey Planning Officials at [www.njpo.org](http://www.njpo.org) or at 908-412-9592 for further assistance. Approvals or denials of applications may be legally challenged (for instance, in New Jersey Superior Court). Therefore, it is very important that the process laid out in the MLUL be closely followed.

### **AGENDAS**

An agenda is available before all meetings. It is available on the second floor in the Clerk's Office, at least 48 hours before the meeting and can also be found on the Westampton Township website at [www.westamptonnj.gov](http://www.westamptonnj.gov). Click on meetings and agendas, then Land Development Board agendas.

### **PUBLIC QUESTION AND COMMENTS**

Each application is reviewed in accordance with MLUL procedures. The Land Development Board is a quasi-judicial body, and its procedures are similar to those used in a courtroom. The chairperson conducts the meeting as a judge might and the Board is comparable to a jury that votes to make a final decision. All members of the Land Development Board are resident volunteers and serve in the public interest without compensation. Board members are required to complete a state-mandated training course, which is also available to the public. Each year board members must file a financial disclosure statement which is required by the New Jersey Ethics Law with the Municipal Clerk.

The public may comment on applications before the board. The timing of such comment depends on the complexity of the application. In general, less complex applications have one public comment period. For example, an application in which a resident seeks permission to encroach into the side yard set-back of a residential lot to allow for an expanded family room, might have one public comment. More complex applications have public question periods after each expert witness presents testimony, and in general public comment period after the completion of the presentation of the application. When asking a question regarding a specific witness's testimony, the public may only ask a question only about that expert's testimony. The public may comment on any aspect of the application during the public comment period at the close of the application.

**Completeness Review:** No submission to the boards will be accepted unless it is accompanied by the required application fee and escrow deposit. When an application along with the required fee and escrow deposit has been submitted, the application will be reviewed for completeness in accordance with the appropriate checklists. **(NOTE: Under the MLUL, N.J.S.A 40:55D-10.3. et seq., the municipality has 45 days within which to conduct a completeness review.)** After the review, the applicant either will be notified that the application is complete and be

given a hearing date, or the applicant will be notified that the application is incomplete and be given an itemization of the deficiencies.

### **APPLICATION PROCEDURES**

When an application is announced by the chairperson, the applicant or his/her attorney comes forward. If the applicant is to provide testimony, he/she introduces him/herself, affirms that his/her testimony will be truthful (while being sworn under oath by the Land Development Board Attorney) and then explains the nature of the application. If the applicant is represented by an attorney, the attorney presents the application and, where applicable, the order of the applicant's expert witnesses. If there are expert witnesses, they will be sworn in before presenting their testimony. Following the testimony of each witness, the Board will ask questions and seek clarifications needed for an informed review of the application. The chairperson will then ask if there are any questions from the public regarding the testimony.

If you have a question, raise your hand. When the chairperson calls on you, please walk to the microphone. You will then be sworn under oath by the Board Attorney. Please speak clearly into the microphone. All witnesses must state their names and addresses and spell their last names before asking a question or making appropriate comments. The public is limited to five minutes per person to ensure adequate time for all speakers for all applications. Verbal statements from the public should be supportable and not hearsay.

The applicant has the right to cross-examine any members of the public who speak. Written statements or letters from individuals who are not present, petitions or speaking on anyone else's behalf are not allowable according to the **MLUL N.J.S.A. 40:55D-10.d**. Written statements from the public in favor of or opposing the application cannot be accepted as the Board cannot cross-examine written statements; however, a member of the public may provide the secretary with a written copy of his/her remarks after speaking. Only the chairperson may decide who speaks at a given time. Comments called out from the audience will not be considered part of the record.

The chairperson has the right to close the public portion of a hearing if he/she feels the audience is unruly or is making comments that are not relevant to the application. The chairperson also has the right to have any member of the audience removed from the hearing room for unruly behavior. The meetings are recorded using a computer audio system. However, the applicant may also choose to hire a court reporting service at his/her personal expense. Minutes will be prepared and summarized by the Board's Secretary.

Hearings that are not completed at one meeting may be further considered at future meetings. The chairperson will verbally announce that an application is carried to the next regularly scheduled meeting. To confirm a continuation or rescheduling, call the board office at 609-267-1891 ext. 6 weekdays from 8:00AM to 4:00PM (Fridays until 1:00 PM). When you follow the procedures discussed above, your input will have maximum impact on the board's deliberations. Please note that all applications are judged on their individual merits. The Board cannot predetermine the outcome of an application.

### **MEETING MINUTES**

Meeting minutes are posted on the Town's website at [www.westamptonnj.gov](http://www.westamptonnj.gov) after the Board approves them, usually at the following month's meeting. The minutes are typically posted the day following their approval.

The information and guidelines provided in this bulletin are subject to any changes in the MLUL and are subject to any procedures or deviations established by the land use boards to implement the MLUL in effect at that time.

(These guidelines are for the purpose of assisting interested parties in understanding and participating in the municipal land use process. Each application is unique and deviations from this outline may necessarily occur. Such deviations should not be considered a basis for an argument in any appeals of a decision rendered by the Board.)

Thank you for participating in the municipal land use process.